

Application Serial No. 10/803,939
Reply to Office Action dated July 24, 2006

AUG 14 2006**REMARKS/ARGUMENTS**

The outstanding Office Action sets forth a restriction between the dishwasher set forth in claims 1-9; the method of operating a dishwasher as set forth in claims 19-22; and the dishwasher and corresponding method of operating set forth in claims 10-18, 23 and 24.

In general, the application claims various aspects of an overall dishwasher adaptive drain and purge system. These aspects are covered by both product and method claims such that the application includes two sets of product claims and two sets of method claims. One of these sets of claims is represented by product claims 10-18 and method claims 23 and 24. These claims are concerned with performing an unscheduled drain operation. Given the analogous subject matter set forth in product claim 10 and method claim 23, the Examiner appropriately grouped these claims together. However, the Applicant is surprised that the Examiner did not corresponding group product claims 1-9 and method claims 19-22. These claims are concerned with sensing a presence of washing fluid in an overflow tube and initiating a drain operation for a dishwasher based thereon. This subject matter is seen to be clearly evident from the last two paragraphs in claim 1 and the corresponding limitations set forth in the last two paragraphs of claim 19.

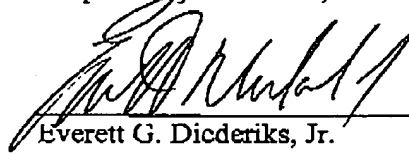
In order to fully respond to the requirements of the restriction requirement, the Applicant would hereby elect claims 1-9 directed to signaling the presence of the washing fluid in an overflow tube and initiating a drain operation based thereon. The Applicant does traverse and respectfully requests reconsideration in restricting claims 1-9 from claims 19-22 which, as indicated above, is correspondingly concerned with initiating a drain operation in a dishwasher based on sensing the presence of washing fluid in overflow tube. This traversal of the restriction requirement was discussed with the Examiner during a brief telephone conversation conducted on August 10, 2006 during which the corresponding claim structure was brought to the specific attention of the Examiner who indicated that this aspect of the restriction requirement would be reconsidered upon the filing of this written response. On the other hand, the Applicant

Application Serial No. 10/803,939
Reply to Office Action dated July 24, 2006

fully agrees with the Examiner concerning the grouping of claims 10-18, 23 and 24, and does not traverse the restriction of this claim set from claims 1-9 and 19-22.

If the Examiner should have any additional questions or concerns regarding this response, he is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution.

Respectfully submitted,



Everett G. Diederiks, Jr.
Attorney for Applicant
Reg. No. 33,323

Date: August 14, 2006
DIEDERIKS & WHITELAW, PLC
12471 Dillingham Square, #301
Woodbridge, VA 22192
Tel: (703) 583-8300
Fax: (703) 583-8301